UNITED NATIONS

EP

Governing Council of the United Nations Environment Programme

Distr.
GENERAL

UNEP/GC.19/23
20 November 1996

ORIGINAL: ENGLISH

Nineteenth session
Nairobi, 27 January - 7 February 1997
Item 6 of the provisional agenda*

PROGRAMME MATTERS

Recommendations by the Intergovernmental Forum on Chemical Safety for international action on persistent organic pollutants

Report of the Executive Director

Summary

By its decision 18/32 of 25 May 1995, the Governing Council of the United Nations Environment Programme (UNEP), invited the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), working with the International Programme on Chemical Safety (IPCS) and the Intergovernmental Forum on Chemical Safety (IFCS), to initiate an assessment process on persistent organic pollutants (POPs), starting with an initial list of twelve substances (polychlorinated biphenyls (PCBs), dioxins and furans, aldrin, dieldrin, DDT, endrin, chlordane, hexachlorobenzene, mirex, toxaphene, and heptachlor). It further invited IFCS to develop, on the basis of the results of the assessment process and the outcome of the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, recommendations for and information on international action, including such information as would be needed for a possible decision regarding an appropriate international legal mechanism on persistent organic pollutants (POPs) for consideration by the Governing Council of UNEP and the World Health Assembly, no later than in 1997.

This report presents the outcome of the assessment of the twelve POPs and highlights the recommendations of IFCS, which are submitted in a separate report of the IFCS Ad Hoc Working Group on Persistent Organic Pollutants (UNEP/GC.19/INF.8).

Suggested action by the Governing Council

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Recalling paragraph 17 of the Washington Declaration on Protection of the Marine Environment from Land-based Activities of 2 November 1995, whereby the Governments agreed on the following:

> "Acting to develop, in accordance with the provisions of the Global Programme of Action, a global, legally binding instrument for the reduction and/or elimination of emissions, discharges and, where appropriate, the elimination of the manufacture and use of the persistent organic pollutants identified in decision 18/32 of the Governing Council of the United Nations Environment Programme. The nature of the obligations undertaken must be developed recognizing the special circumstances of countries in need of assistance. Particular attention should be devoted to the potential need for the continued use of certain persistent organic pollutants to safeguard human health, sustain food production and to alleviate poverty in the absence of alternatives and the difficulty of acquiring substitutes and transferring of technology for the development and/or production of those substitutes;"

The Governing Council may wish to:

1. Take note of the present report and endorse the recommendations contained herein, which were made by the Intergovernmental Forum on Chemical Safety to the Governing Council and the World Health Assembly, and

2. Take note also of the secretariat's estimates of the cost of implementing the recommendations of the Intergovernmental Forum on Chemical Safety, while recognizing, first that the funds to implement the activities in question have not been identified in the current budget for the 1996-1997 biennium; second that the budget estimate for the 1998-1999 biennium of $1.4 million will address most, but not all, of the staffing needs for the project but will not suffice to address the costs of convening negotiations or expert meetings and, third that $3.1 million will be required over and above the proposed budget for the 1998-1999 biennium, to implement the recommendations in full.

PROGRESS IN THE IMPLEMENTATION OF GOVERNING COUNCIL RESOLUTION 18/32 ON PERSISTENT ORGANIC POLLUTANTS

A. Background

1. A number of international activities have recently been initiated to reduce and eliminate the emission and release of POPs. POPs are chemical substances that are persistent, bioaccumulate and pose a risk of causing adverse effects to human health and the environment. It is widely accepted that the use of such persistent, bioaccumulating and toxic substances cannot be considered a sustainable practice. For various social and economic reasons, however, such substances are still in use and/or are being released to the environment. With the evidence of long-range transport of these substances to regions where they have never been used or produced, and the consequent threat they pose to the environment of the whole globe, the international community has, on several occasions, called for urgent global action to reduce and eliminate the release of these chemicals.

2. At the Governing Council session of May 1995, three decisions were taken which are relevant to POPs to various extents.

3. Decision 18/32 addresses directly the need for international action to reduce and eliminate the release and emission of POPs. It invites IOMC, together with IFCS, to initiate an assessment process, starting with a short list of twelve POPs (PCBs, dioxins and furans, aldrin, dieldrin, DDT, endrin, chlordane, hexachlorobenzene, mirex, toxaphene, and heptachlor) that had already been discussed under the long-range transport of atmospheric pollutants (LRTAP) process of the Economic Commission for Europe (ECE) in order to:

(a) Consolidate the existing information available from IPCS, ECE and other relevant sources on the chemistry and toxicology of the substances concerned;

(b) Analyse the relevant transport pathways and the origin, transport and deposition of these substances on a global scale;

(c) Examine the sources, benefits, risks and other considerations relevant to their production and use;

(d) Evaluate the availability, including costs and effectiveness, of preferable substitutes, where applicable; and

(e) Assess realistic response strategies, policies and mechanisms for reducing and/or eliminating emissions, discharges and losses of POPs.

Decision 18/32 further invites IFCS to develop recommendations for and information on international action for consideration at the 1997 sessions of the Governing Council of UNEP and the World Health Assembly.

4. Decision 18/31 concerns the protection of the marine environment from land-based activities and a draft Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. The decision specifically addresses POPs in that it calls on States to consider

how, within the Global Programme of Action, appropriate attention could be given to support action at national and regional levels on POPs. The Intergovernmental Conference to Adopt a Global Programme of Action, held at Washington, D.C., from 23 October to 3 November 1995, declared the commitment of the Governments concerned to protect and preserve the marine environment from the impact of land-based activities, and to do so inter alia by acting to develop a global, legally binding instrument for the reduction and/or elimination of emissions and discharges and, where appropriate, the elimination of the manufacture and use of the POPs identified in decision 18/32.

5. Decision 18/12 refers to the development of a legally binding instrument for the application of the prior informed consent (PIC) and consideration of further measures to reduce the risks from hazardous chemicals. Many of the POP chemicals referred to in decision 18/32 are also covered by the present voluntary PIC procedure. The work to implement decision 18/12, and especially the development of further measures, will thus need to be monitored carefully in connection with the development of international action on POPs.

B. The assessment process

6. In October 1995, an Ad Hoc Working Group on POPs was convened by UNEP, on behalf of IOMC, to develop a plan of work for consideration by the second Inter-Sessional Group (ISG-2) of IFCS. In March 1996, ISG-2 approved the proposed outline of work and took over from UNEP the Ad Hoc Working Group on POPs. In June 1996, IFCS convened in the Philippines an expert meeting and an open meeting of the Ad Hoc Working Group to complete the assessment process and develop recommendations on international action for consideration by the Governing Council and the World Health Assembly at their 1997 sessions.

7. The process was facilitated and supported by means of projects initiated by several countries, for example, one project initiated by Sweden, aimed at identifying possible alternatives to existing uses of POPs, and one by the Nordic countries and the United States of America to analyse possible response strategies for international action to reduce and/or eliminate emissions, discharges and losses of POPs.

8. The report of the IFCS Ad Hoc Working Group open meeting, which was attended by representatives from 32 countries, seven intergovernmental organizations and seven non-governmental organizations, was distributed to all IFCS participants for review and comments. Replies were received from 14 Governments, one intergovernmental organization and five non-governmental organizations which provided in general strong support for the conclusions and recommendations reached. A short summary of the replies received has been provided by IFCS.

C. Conclusions and recommendations of IFCS

9. In its report, IFCS recommends:

(a) That the Governing Council of UNEP and the World Health Assembly decide that immediate international action should be initiated to protect

human health and the environment through measures which will reduce and/or eliminate the emission and discharge of the 12 POPs specified in decision 18/32 of the Governing Council of UNEP and, where appropriate, eliminate production and subsequently the remaining use of those POPs that are intentionally produced (paragraph 51);

(b) That the Governing Council of UNEP and the World Health Assembly recognize that, in order to protect human health and the environment, such international action should include (paragraph 52):

(i) The use of separate differentiated approaches to take action on pesticides, industrial chemicals, and unintentionally produced by-products and contaminants;

(ii) The use of transition periods, with phased implementation, for various proposed actions;

(iii) Careful and efficient management of existing stocks of the specified POPs and, where necessary and feasible, their elimination;

(iv) Training in enforcement and monitoring of use to discourage the misuse of POPs pesticides; and

(v) Remediation of contaminated sites and environmental reservoirs, where feasible and practicable;

(c) That the Governing Council of UNEP and the World Health Assembly recognize that international action should incorporate such practical measures as (paragraph 53):

(i) The expeditious development of a global, legally binding instrument. The instrument should be developed in such a manner as to recognize ongoing activities on POPs and other related issues and institutions, as well as differing regional and national conditions and taking into account the special concerns of developing countries and countries with economies in transition. In addition, provision should be made for commitments at a national and regional level allowing for a higher level of protection than that afforded through the global instrument;

(ii) Voluntary measures, which may be implemented as a complement to, or independently of, a legally binding instrument;

(iii) Action at the national, regional and global levels, reflecting possible needs for different regional and subregional approaches and the need to find, at the national level, the most effective and appropriate mix of policy instruments and measures to implement agreed international commitments;

(iv) Consideration of unique customs codes for POPs chemicals, and labelling in compliance with guidelines under the FAO Code of Conduct;

(v) Coordination among different regional and international initiatives on POPs to ensure harmonized environmental and health outcomes from mutually supportive and effective programmes that result in the development of policies with complementary, and non-conflicting, objectives and that avoid overlap and duplication with other international and regional conventions and programmes; and

(vi) Input of scientific, technical and economic expertise and consideration of the ability of existing institutions and organizations to provide this input;

(d) That the Governing Council of UNEP and the World Health Assembly note that socio-economic factors should be addressed in developing and implementing international action, including the following (paragraph 54):

(i) Possible impacts on food production;

(ii) Possible impacts on human health (e.g., for vector control agents);

(iii) Need for capacity-building in countries and regions;

(iv) Financing concerns and opportunities; and

(v) Possible trade impacts.

(e) That the Governing Council invite UNEP to prepare for and convene, together with other relevant international organizations, an intergovernmental negotiating committee, with a mandate to prepare an international legally binding instrument for implementing international action, initially beginning with the 12 specified POPs. Participation in the intergovernmental negotiating committee should be open to Governments and relevant intergovernmental and non-governmental organizations, consistent with the applicable rules of the United Nations (paragraph 55);

(f) That the Governing Council of UNEP and the World Health Assembly note the need to develop science-based criteria and a procedure for identifying additional POPs as candidates for future international action and recommend that the proposed intergovernmental negotiating committee be directed to establish, at its first meeting, an expert group to carry out this work. The group should work expeditiously, proceeding concurrently with the process, in order to develop criteria for consideration by the intergovernmental negotiating committee in the negotiation of a legally binding instrument. The process should incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions, and should take into account dispersion mechanisms for the atmosphere and the hydrosphere, migratory species and the need to reflect possible influences of marine transport and tropical climates (paragraph 56);

(g) That the Governing Council of UNEP recommend that the intergovernmental negotiating committee, in undertaking its work, take into account the conclusions and recommendations of the IFCS Ad Hoc Working Group on POPs (paragraph 57).

10. Other IFCS recommendations of relevance to the UNEP programme of work on POPs include:

(a) That UNEP, in collaboration with other international and regional organizations, initiate action on measures needed for the development and sharing of information on the 12 specified POPs, including:

(i) Comprehensive reporting and information exchange, within and between countries and intergovernmental organizations, for (paragraph 21):

a. Peer-reviewed scientific information on the chemistry, toxicology, transport pathways, origin, transport and deposition of the 12 specified POPs on a global scale, in order to provide current baseline and future-trend data for commercial activity, release rates, and levels in environmental and biological media, and to ensure that response strategies are realistic and appropriate, and to provide a basis for assessing progress;

b. Information on the sources, benefits, risks and other considerations relevant to the production, use, and release of the 12 specified POPs; and

c. Information on evaluation of the availability, costs, risks and effectiveness of preferable alternatives to the 12 specified POPs, where applicable;

(ii) Improved access to national information on POPs, as well as improved access to information by all countries, especially developing ones; and

(iii) Improved access to existing and future information on POPs issues by maintaining the UNEP clearing-house for information on POPs, including the electronic database on the Internet;

(b) That UNEP, in concert with other relevant intergovernmental organizations, establish practical measures to evaluate and monitor the success of any implemented strategies, where appropriate, including (paragraph 29);

(i) Baseline and trend data on the production, use and release of the 12 specified POPs; and

(ii) Monitoring networks to establish baseline and trend levels of the 12 specified POPs in environmental and biological media in all regions;

(c) That the availability of information and expertise on alternatives to POPs should be improved through information exchange and education programmes, including: the further development of the UNEP information clearing-house on POPs and alternatives, strengthened regional networks concerning POPs and alternatives, production of case-studies on alternatives, and use of the global information network on chemicals (GINC) to enable Governments to make their own decisions on replacing POPs by alternatives (paragraph 32);

(d) That national, regional or international action be taken in order to ensure environmentally sound handling and disposal of PCBs. This action should include (paragraph 38);

(i) Identification of where PCBs are found;

(ii) Inventories of PCBs in use, stockpiles of PCBs and as PCB-containing waste; and

(iii) An inventory of available destruction capacity for PCBs world-wide in order to obtain a better understanding of regional availability and the need, if any, for increasing the capacity in the coming years;

(e) That appropriate international organizations, in particular members of IOMC in close consultation with IFCS and national Governments, develop a check-list or simple guidelines on how to identify PCB-containing materials that would be useful for countries which have not yet made such an identification, especially developing countries or countries with economies in transition. IFCS noted that the setting up of such a check-list or guidelines should in no way hinder or delay the dissemination of information or ongoing national inventories (paragraph 39);

(f) That countries identify national sources of dioxin/furan releases, using as guidance the sources already identified by developed countries (paragraph 44);

(g) That cooperative programmes (particularly of a regional nature) on aspects of dioxin/furan management be undertaken between developed and developing countries and countries with economies in transition, in coordination with the activities of the IOMC organizations (paragraph 45).

11. The IFCS report reaches numerous additional conclusions which the Governing Council may find of interest. The full report is available as an information document (UNEP/GC.19/INF.8).